

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROCEP LUSOL HOLDINGS LIMITED)
Plaintiff and Counterclaim defendant,)
)
)
v.)
PERMATEX, INC. and)
ULTRAMOTIVE CORPORATION)
Defendants and Counterclaim plaintiffs)
)
)
)
)
)
)

VERDICT

We, the jury, unanimously find as follows:

I. Validity of the '064 Patent

1. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid as being anticipated because each and every limitation of the asserted claims was known and used by others before the invention thereof by the patentee?

Claim 1 Yes _____

 No _____

Claim 2 Yes _____

 No _____

Claim 6 Yes _____

 No _____

2. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid due to being anticipated in light of a single prior art reference that was presented to you in evidence?

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

3. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid due to anticipation because the alleged invention of a claim was on sale more than one year prior to the date the application for the '064 patent was filed?

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

4. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid due to being obvious to a person of ordinary skill in the art of pressurized dispensing containers in light of the prior art references that were presented to you in evidence?

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

5. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid for failure to disclose sufficient information to enable or teach one skilled in the field of the invention to make and use the claimed invention.?

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

6. Do you find that Defendants have shown by clear and convincing evidence that any of the asserted claims 1, 2 or 6 of the '064 patent listed below are invalid because the patent does not describe each and every limitation of each asserted claim, and thus fails to satisfy the written description requirement?

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

II. Infringement of the '064 Patent

7. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Ultra valve literally meet the elements of the asserted claims of the '064 Patent? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

8. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Ultra valve infringe the '064 patent by the Doctrine of Equivalents, as I have instructed the jury respecting the application of that doctrine? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

9. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Hug II valve literally meet the elements of the asserted claims of the '064 Patent? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

10. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Hug II valve infringe the '064 patent by the Doctrine of Equivalents, as I have instructed the jury respecting the application of that doctrine? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

11. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Universal valve literally meet the elements of the asserted claims of the '064 Patent? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

12. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants' PowerBead products which employ what has been described as the Universal valve infringe the '064 patent by the Doctrine of Equivalents, as I have instructed the jury respecting the application of that doctrine? (Do not answer for any claim that you have found to be invalid in verdicts 1-6 above.)

Claim 1 Yes _____

No _____

Claim 2 Yes _____

No _____

Claim 6 Yes _____

No _____

13. Do you find that Plaintiff has shown by a preponderance of the credible evidence that Defendants willfully infringed the '064 patent, as I have instructed the jury respecting the application of that doctrine?

Yes _____

No _____

14. What sum of money will compensate Plaintiff for its reasonable royalty as to sales of Defendants' products, if any, that have been found to infringe the '064 patent?

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Date: December 13, 2006
Wilmington, Delaware

Respectfully Submitted

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